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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,275	02/17/2004	Jan Bell	HILB / 688C1	2213

7590 06/29/2004

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EXAMINER	
MILLER, WILLIAM L	

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/780,275	BELL ET AL.	
	Examiner	Art Unit	
	William L. Miller	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-21 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15 and 16* is/are allowed.

6)☒ Claim(s) *11,12,18,19 and 23* is/are rejected.

7)☒ Claim(s) *13,14,17,20 and 21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. If applicant desires priority under 35 U.S.C. 120 based upon a previously filed application, specific reference to the earlier filed application must be made in the instant application. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph unless it appears in an application data sheet. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. _____" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application. (Note: Serial No. 10/039,564 is now Patent No. 6,691,385.)

Claim Objections

2. Claims 11, 17, and 23 are objected to because of the following informalities: claim 11, line 3, change "a" to "said"; claim 17, line 12, change "urn" to "remains container"; and claim 23 depends from canceled claim 22. For purposes of examination, claim 23 is being considered as depending from claim 19. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 11, 18, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert (US#6543103). (Note: the subject matter of independent claims 11 and 18 has an effective filing date of 08-19-1999 as this subject matter was first disclosed in parent application 09/377,662 filed on 08-19-1999. Parent application 29/107,704 filed on 07-12-1999 does not disclose the claimed subject matter of claims 11 and 18.)

5. Regarding claim 11, according to col. 2, lines 5-13, Robert discloses a casket having a casket corner piece for attachment thereto and a casket corner piece display for affixing the casket corner piece thereto upon removal of the casket corner piece from the casket.

6. Regarding claim 18, according to col. 3, lines 5-15, Robert discloses a plurality of casket corner piece displays 5 each receiving an identical or different casket corner piece thereby inherently enabling visual comparison of the casket corner pieces.

7. Regarding claims 19 and 23, as shown in Fig. 2, the display includes a center piece having first and second ends with a casket corner piece receiving surface disposed therebetween, a base member attached to the second end and a cover member attached to the first end wherein both the base and cover each include an extending portion protruding transversely to the casket corner piece receiving surface such that the display has an approximate C-shaped profile.

8. Regarding claim 11, 18, 19, and 23, although Robert fails to specifically disclose the claimed method steps, Robert does disclose all the claimed structure required to perform the method steps, and therefore it would have been obvious to one of ordinary skill in the art to utilize the claimed method steps as under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method

claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification, it can be assumed the device will inherently perform the same process. *In re King*, 802 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robert in view of Mertins (US#6021525).

10. Regarding claim 12, although Robert discloses the casket corner piece includes personalized graphics thereon as shown in Figs. 8a-8g, Robert fails to disclose the graphics being emblazoned thereon as claimed by the applicant. Mertins discloses an article 20 having personalized graphics TL emblazoned thereon for providing permanent indicia. Therefore, as taught by Mertins, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robert by emblazing the graphics onto the casket corner piece thereby providing permanent indicia.

11. Although Robert as modified by Mertins fails to specifically disclose the claimed method steps, Robert as modified by Mertins does disclose all the claimed structure required to perform the method steps, and therefore it would have been obvious to one of ordinary skill in the art to utilize the claimed method steps as under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification, it can be assumed the device will inherently perform the same process. *In re King*, 802 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

Allowable Subject Matter

12. Claims 13, 14, 17, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 15 and 16 are allowed.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
Art Unit 3677

WLM
06-22-2004